STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	M-02/09-113
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Child Development Division denying her request for a higher rate in her child care subsidy benefits. The issue is whether the Department correctly calculated the petitioner's income eligibility in accord with the pertinent regulations

FINDINGS OF FACT

- 1. The petitioner is the single parent of one child. She is currently enrolled in a training program to gain certification as a licensed nursing assistant (LNA). In February 2009 the petitioner submitted information to the Department that her gross income was \$1,343 a month in unemployment benefits and child support.
- 2. Based on this information the Department found the petitioner eligible for a 60 percent subsidy for her child care. The petitioner does not dispute that the Department correctly determined her income and applied its guidelines.

She maintains, however, that she is unable to pay her child care provider the difference between the amount charged by the provider and the subsidy she receives from the Department. She takes issue with the fact that the Department's income guidelines do not take her household expenses into account in determining her financial eligibility.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations adopted by the Child Care Services

Division base eligibility for and amounts of child care

subsidies on gross family income. CCS Regulation 4034. As

noted above, the petitioner has been found eligible for a 60

percent child care rate on the basis of her reported gross

income.

The Department acknowledges that its day care subsidies are not reflective of the actual costs incurred by working families in obtaining adequate day care. Unfortunately, the program is severely limited by financial constraints. Unless and until the legislature appropriates more funding, the Department cannot liberalize its eligibility guidelines, and

the petitioner is limited by law as to the relief she can obtain from the Board. Inasmuch as the Department's decision in this matter correctly applies its current regulations and policies the Board is bound to affirm that decision. 3

V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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